



# Information Sheet No. 2-97



## PROTECTING OUR FLORA A BRIEF GUIDE TO THE LEGISLATION AND LICENSING

Western Australia's flora is a natural asset of world-wide importance, attracting many international as well as interstate scientists to our State. The increasing interest in wildflower cultivation and the popularity of both wildflower shows and tours also indicate the high value placed on flora by Western Australians and other visitors to this State.

We need only consider the unique beauty and variety of our wildflowers to find sufficient reasons to make every effort to conserve them. Native plant communities also play an important role in our environment. For example, they stabilise the soils, prevent salinity and provide food and shelter for wildlife.

Our flora also contributes to the State's economy through commercial trade in wildflowers, seeds and other products, and as a tourist attraction to both interstate and overseas visitors. The diverse and unique array of flora native to this State also provides the potential for further commercial uses, such as in the field of pharmaceutical compounds or essential oils, or in the development of revegetation species for treating disturbed sites.

### Flora at Risk

Because of the large number of species in Western Australia, it is a difficult task to assess the extent of the threat to particular species or plant communities. Despite the efforts of many botanists and amateur naturalists since the time of the first European settlement, there is still much that needs to be discovered about our flora. We do not know the precise number of species present in Western Australia: the figure is thought to be about 12,500 with between 1,000 and 3,000 species yet to be formally named.

Recent studies have, however, provided information which indicates the need for conservation:

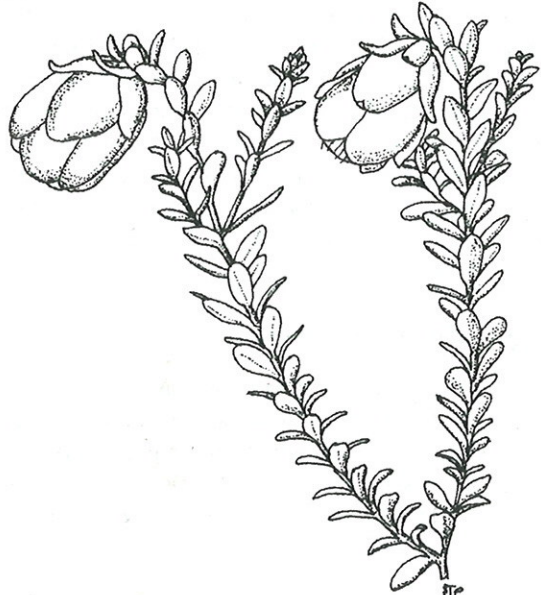
- Over 2,000 Western Australian plant species are considered threatened, rare or poorly collected.
- Many species are geographically restricted due to specific habitat preference.
- Many species in these categories are confined to the south west of the State.
- Over 1,500 Western Australian species have been commercially exploited.

- Spread of disease, changes in land usage, drainage, and other threatening processes, may place the long-term survival of many species in jeopardy.

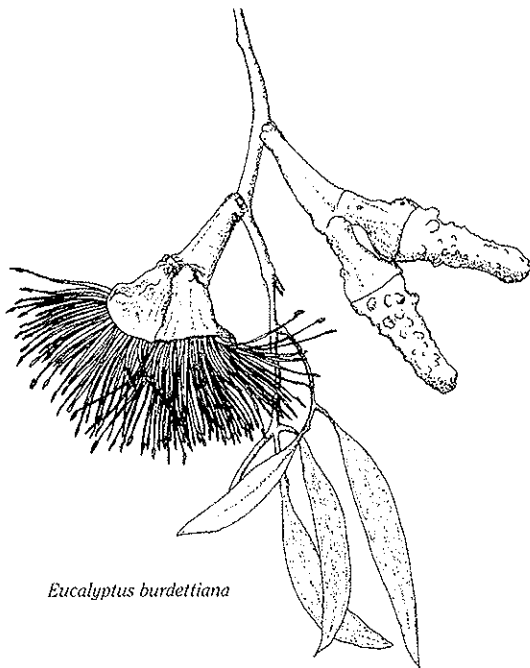
### Nature Reserves, National Parks and Conservation Parks

Areas of land in a natural state may be set aside for the conservation of the State's flora and fauna as Nature Reserves, National Parks or Conservation Parks, and subsequently managed by the Department of Conservation and Land Management (CALM). Restrictions are imposed on activities within these conservation areas so that our flora and fauna have a secure habitat in which to exist. We can help to conserve our wildlife by observing these management regulations and encouraging the establishment of new conservation reserves.

Although they are an important focus for wildlife conservation, conservation parks and reserves only cover about 6% of the land area of Western Australia, and are not evenly distributed across our landscape. They therefore cannot guarantee the survival of our flora in isolation. We have a responsibility to ensure that ALL wildlife habitat is respected, and treated appropriately to supplement our formal conservation lands.



*Darwinia collina*



*Eucalyptus burdettiana*

## Flora Conservation

'Picking of Wildflowers is Prohibited'—most people are familiar with this message. It is probably what most people think of as 'flora conservation'. This prohibition still exists in most circumstances unless special authorisation is obtained. It is easy to understand that uncontrolled picking of wildflowers would lead to the destruction of some species. Certain species are more susceptible to the effects of picking than others.

Our flora has adapted over the ages to a range of natural conditions. In fact there are few places which do not support some sort of plant community. Often these plant communities, and the species that compose them, inhabit very specific habitat sites, either defined by their position in the landscape or the type of soil. Sadly, people's needs are often in conflict with those of nature, and the development of specific habitat types for agriculture, industry and housing can result in the decline in some of our native flora. Appropriate planning is thus required to conserve some of these areas.

While it is inevitable that natural bushland areas will be reduced by development, other areas are often harmed by thoughtlessness or ignorance. Disease, fire, weeds, stock, rubbish and vehicles are major sources of this type of damage. For example, vehicle tracks may accelerate the spread of weeds and disease, and in fragile areas, such as coastal dunes and granite rocks, they may cause severe erosion and loss of plant communities.

## Phytophthora Dieback

The disease of native plants known as dieback is caused by several types of microscopic introduced fungi, all *Phytophthora* species, which infect plant roots. These fungi can destroy much of the flora in the forests, woodlands and heath of the higher rainfall zone of the south-west of WA.

About one third of Western Australia's unique south-western native plants are susceptible to *Phytophthora*, including the many beautiful coastal banksias and jarrah.

The fungi can be spread rapidly by people transporting soil from infested to healthy areas. Vehicles, especially when driven off tracks or roads, can carry infested soil on their tyres or underbody and so spread the disease. Muddy boots are also a means of spreading the fungi. Once a site is infested, they spread by the movement of spores in water. They will therefore easily spread in winter and in wetter areas.

There is no known method for eradicating *Phytophthora* once it is established at a site. A chemical, phosphite, will inhibit the spread of the fungus in plants, but does not kill it, and is both costly and impractical to spray over the large areas where *Phytophthora* is known to occur. It is essential for the conservation of our native flora, and the fauna that depends on it, that the further spread of this fungus is minimised. This is best done by persons undertaking appropriate hygiene measures when in the bush, including removing mud from shoes and vehicles, and washing vehicles down, before leaving one site and entering another.

## The Law

State laws governing flora conservation are contained in the Wildlife Conservation Act and its Regulations, which are administered by CALM. Policy Statement Number 13 — Commercial Flora Harvesting states CALM's objective, policies and strategies for the commercial harvesting of flora.

In general, the legislation regulates the picking or harvesting of indigenous flora. Provisions for management of the trade in wildflowers, seeds and other specific activities are also controlled by CALM in accordance with a management program approved by the Commonwealth Minister for the Environment.

The principal aspects of the State legislation are summarised below. It should be noted, however, that full details of the laws are beyond the scope of this summary. Additional information can be obtained from CALM.

## Protected Flora

'Flora' is legally defined as any plant (including any wildflower, palm, shrub, tree, fern, creeper or vine) which is either native to Western Australia or declared to be flora under the Act, and includes any part of flora and all seed and spores thereof.

Classes of flora protected throughout the State under the Wildlife Conservation Act include all Spermatophyta (flowering plants, conifers and cycads),

Pteridophyta (ferns and fern allies), Bryophyta (mosses and liverworts) and Thallophyta (algae, fungi and lichens).

## Taking Protected Flora

Protected flora may only be 'taken' under specific circumstances outlined in the following sections. Please note that, in the term 'to take' in relation to any flora under the legislation, includes 'to gather, pluck, cut, pull up, destroy, dig up, remove or injure the flora or permit the same to be done by any means'. This therefore covers everything from scientific sampling and hobby collecting to commercial harvesting of flowers and seed.

## Crown Land

On Crown land, protected flora may only be taken by individuals who hold a licence issued by CALM under the Wildlife Conservation Act. People who wish to take flora for scientific study, education, hobby, propagation, or other non-commercial purposes must hold a Scientific or Other Prescribed Purposes Licence. This licence does not entitle the holder to sell any of the flora taken. The annual fee for these licences is \$10.

If the flora is being taken for commercial uses, including for sale, a Commercial Purposes Licence is required. Before a Crown land licence can be issued, applicants must demonstrate that they have an area on which they can harvest flora. This will include the written permission of any government agency that is managing the land. Licensees are also required to submit returns of the flora taken, and such returns must be up to date for licence reissue. The annual fee for a Commercial Purposes Licence is \$100.

Special restrictions apply to the taking of flora from Nature Reserves, National Parks or Conservation Parks, with approval being required from CALM. Such reserves are excluded to commercial pickers.

## Private Land

Protected flora may only be taken from private land by the owner or occupier of the land or by a person who has the owner's or occupier's permission. Protected



*Banksia oitgantha*

flora taken from private property, whether it be harvested from natural or cultivated stands, may only be sold under a Commercial Producer's Licence or a Nurseryman's Licence held by the property owner or occupier or authorised person. The annual fee for these licences is \$25.

## Dealers/Wholesalers/Florists

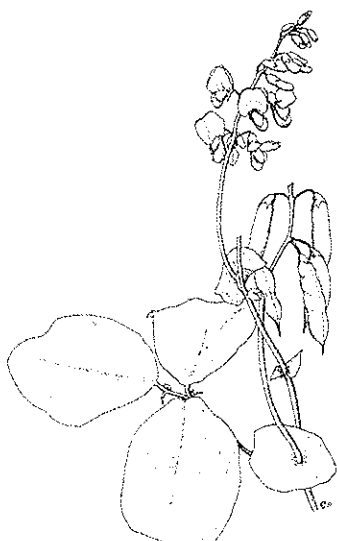
Dealers, wholesalers, florists and others who trade in protected flora are not required to hold a licence unless they are also involved in taking flora for sale. However, it is an offence to sell flora which has not been legally taken, so it is essential that traders ensure their stocks are obtained from licensed sources.

Anyone trading in protected flora must keep a written record of the type and quantity of flora they purchase, the date of the purchase and the name and address of the supplier. These records must be retained for at least twelve months and shown to a Wildlife Officer on demand.

## Flora Exports

The export of native flora from Australia is regulated by the Commonwealth Wildlife Protection (Regulation of Exports and Imports) Act, which sets management requirements on native flora harvested from natural stands. This Act is administered by Environment Australia.

Persons wishing to export protected flora must obtain an export authority from the Commonwealth through Environment Australia. The granting of an export authority is dependent on the application demonstrating that the flora intended for export has been legally obtained. Export applications are referred to CALM to check species against nominated licensed sources. Only species included on the Export Flora List in the WA Flora Management Program may be exported if taken from natural stands on either Crown or private land.



*Kennedia macrophylla*



## Licences — General Information

Applications for flora licences should be made to the relevant CALM Regional/District office, or to CALM's State Operations Headquarters, Dick Perry Avenue, Kensington [Locked Bag 104, Bentley Delivery Centre 6983]. Local CALM offices will be able to advise on the acceptability of nominated areas, or species, for licence applicants.

Licences will be issued specifying conditions which must be complied with. Licence holders are required to supply returns of the flora they have taken. Full information on returns and conditions will be given when a licence is issued.

If you need additional information, officers from CALM would be pleased to advise you.

## Rare Flora

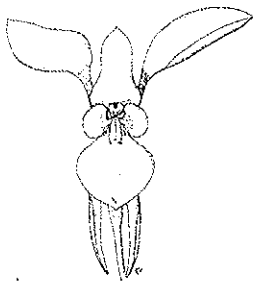
Under the Wildlife Conservation Act, the Minister for the Environment may declare species of protected flora to be 'Rare Flora' if they are considered to be in danger of extinction, rare, or otherwise in need of special protection. Such species are referred to as Threatened Flora, and receive special management attention by CALM.

Three hundred and thirty-four types of plants were declared as 'Rare Flora' in 1999. The list is reviewed annually by a scientific panel. Before a species is considered for declaration, it must be adequately surveyed to ensure that its conservation status is accurately known.

Those species listed as declared rare flora MAY NOT BE TAKEN without the specific written approval of the Minister for the Environment. This prohibition applies equally to both Crown and private land, to licensed and unlicensed persons, and to the owners and occupiers of land on which rare flora is found. The prohibition does not extend, however, to cultivated or domesticated plants.

Where a person wishes to take rare flora, either for scientific or developmental purposes, an application must be made to the Minister for permission. All applications to take rare flora should, in the first instance, be referred to the

Administration Officer (Flora) at CALM's State Operations Headquarters in Dick Perry Avenue, Kensington. CALM provides advice on the likely impact of the taking on the conservation of the species, and assesses alternatives to the proposed activity.



*Diuris drummondii*



*Adenanthos ellipticus*

In instances where an owner or occupier of private land has been refused consent to take rare flora from his/her property, the Wildlife Conservation Act contains provisions for the payment of compensation to the property holder. The Minister for the Environment must, however, be satisfied that the refusal has resulted in the loss of use or enjoyment of the land.

## Priority Flora

Because of the large Western Australian flora, there are many species that are known from only a few collections, or a few sites, but which have not been adequately surveyed. Such flora may be rare or threatened, but cannot be considered for declaration as rare flora until an appropriate survey has been undertaken. These flora are included on a supplementary conservation list called the Priority Flora List.

There are three categories of priority flora covering these poorly known species. The categories are arranged to give an indication of the priority for undertaking further surveys based on the number of known sites, and the degree of threat to those populations. A fourth category of priority flora is included for those species that have been adequately surveyed and are considered to be rare but not currently threatened.

Special consideration should be given to the management of these species. Commercial harvesting on Crown land is not permitted under the commercial licence conditions, although special permission may be given to take seed for revegetation purposes.